

Remarks

This is in response to the Office Action mailed on January 23, 2001. Claims 25, 26, 30, 33, and 37 have been amended. Claims 38 and 39 have been added. No new matter has been added. Claims 25- 39 remain pending. Reconsideration and allowance are respectfully requested.

Claims 25-37 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. This rejection is respectfully traversed, to the extent it is maintained.

The rejection states that the structural relationship recited in claims 25-37 between the pouch and well section is indefinite because it is unclear how the pouch can rest on the bottom of the well section and not contact the bottom. Claims 25 and 33 have been amended to clarify that the pouch is configured to rest on non-grooved portions of the bottom of the well section. Reconsideration is respectfully requested.

In addition, the rejection notes informalities in claims 30 and 37. Claims 30 and 37 have been amended to address the noted informalities. Reconsideration and allowance are respectfully requested.

Claims 25-37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Siccardi, EP 555775, in view of Bosch-Siemens, German Utility Model No. 7430109, Bloemen, Belgium Ref. No. 620881, Cisaria, U.S. Patent No. 5,638,741, MacCorkell, U.S. Patent No. 3,353,474, Blanc, U.S. Patent No. 5,755,149, Illy, U.S. Patent No. 4,254,694, and Grykiewicz, U.S. Patent No. 5,287,797. This rejection is respectfully traversed, and reconsideration is requested.

Claim 25 is directed to a pouch for use in preparing coffee. Claim 25 recites that a coffee machine has a well section configured to receive the pouch therein, the well section including a bottom with a plurality of radially extending, channel-shaped grooves. Claim 25 further recites that the central portion of said pouch is configured to rest on non-grooved portions of the bottom of the well section whereby, during use, water fed to the top of the pouch can only flow out of the pouch where the pouch does not contact the bottom. In this configuration, coffee extract that is formed in the pouch will leave the pouch via the bottom of the pouch in those areas where the pouch does not contact the bottom of the well section.

The rejection notes that Siccardi does not disclose grooves, but instead discloses holes formed in the bottom through which water mixed with coffee extract may flow. Siccardi fails to

suggest grooves formed in a well section such that a pouch is configured to rest on non-grooved portions of a bottom of the well section whereby, during use, water fed to a top of the pouch can only flow out of the pouch where the pouch does not contact the bottom, as recited by claim 25.

Therefore, the coffee machine disclosed by Siccardi may suffer from problems associated with other prior art machines, in that mixture of the water with the coffee may not be optimized, resulting in diluted product. See, e.g., page 8, lines 8-13 of the present application.

In contrast, the grooves formed in the bottom of the well section as recited by claim 25 allow the ground coffee in the pouch to be extracted in an optimal efficiency manner. Furthermore, the taste of the coffee extract obtained is surprisingly good.

Further, none of the other cited art discloses or suggests the configuration of pouch recited by claim 25.

Claim 33, although not identical in scope to claim 25, includes limitations similar to those described above with respect to claim 25 and should therefore be allowable for at least the same reasons. Reconsideration and allowance of claims 25 and 33, as well as claims 26-32 and 34-36 that depend therefrom, are respectfully requested.

Claim 37 is directed to a pouch and recites that the pouch is sized and container configured such that an inner space of 74 mm in diameter, and a bottom part is of 61 mm in diameter.

The rejection states that the dimensions for the container and pouch are obvious in view of the desired serving size. This assertion is respectfully traversed.

None of the cited art suggests a container having an inner space of 74 mm in diameter or a bottom part of 61 mm in diameter, or pouch configured to fit therein. Use of the container and pouch with the recited dimensions results in the optimal extraction of coffee into the hot water forced therethrough. The resulting mixture is a surprisingly good cup of coffee brewed in a relatively short amount of time and without requiring high water pressure.

For at least the reasons provided above, the coffee machine and pouch recited by claim 37 are not obvious in view of the cited art. Reconsideration and allowance are respectfully requested.

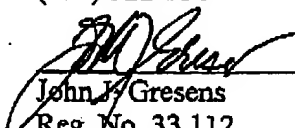
Claims 38 and 39 have been added, claim 38 being directed to a coffee pouch and claim 39 being directed to a method of making coffee. Claims 38 and 39 both recite limitations not disclosed or suggested by the cited art. Consideration and allowance are respectfully requested.

In view of the above amendments and remarks, all claims are in condition for allowance. Favorable reconsideration in the form of a Notice of Allowance is respectfully requested. The Examiner is encouraged to contact the undersigned Attorney with any questions regarding this application.

Respectfully submitted,

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